

PHILLIP A. TALBERT
United States Attorney
CAMERON L. DESMOND
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH O'NEIL,

Defendant.

CASE NO. 2:21-CR-00115-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: February 14, 2023
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 14, 2023.
2. By this stipulation, the defendant now moves to continue the status conference until March 21, 2023, and to exclude time between February 14, 2023, and March 21, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes multiple audio files, reports, photographs, and toll records.
 - b) Counsel for the defendant and government counsel are in the process of identifying any additional evidence, including raw data from phone records and witness

1 statements, that may be produced in the next 30 days.

2 c) Counsel for the defendant needs additional time to conduct independent factual
3 investigation, meet with her client to discuss trial, sentencing, and resolution options, conduct
4 legal research into trial issues, sentencing issues, and potential pretrial motions, and otherwise
5 prepare for trial.

6 d) The defendant was transferred out of the Sacramento County jail to the CVA
7 facility, which makes it more logistically challenging and time-consuming for defense counsel to
8 meet with her client.

9 e) Counsel for the defendant believes that failure to grant the above-requested
10 continuance would deny her the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 f) The government does not object to the continuance.

13 g) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of February 14, 2023 to March 21,
18 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4] because it results from a continuance granted by the Court at defendant's request on the basis
20 of the Court's finding that the ends of justice served by taking such action outweigh the best
21 interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

1 IT IS SO STIPULATED.

2
3 Dated: February 1, 2023

PHILLIP A. TALBERT
United States Attorney

4
5 /s/ CAMERON L. DESMOND
6 CAMERON L. DESMOND
Assistant United States Attorney

7
8 Dated: February 1, 2023

/s/ Tasha Chalfant
Tasha Chalfant
Counsel for Defendant
KENNETH O'NEIL

9
10
11
12 **FINDINGS AND ORDER**

13
14 Pursuant to the stipulation of the parties, the status conference previously scheduled for February
15 14, 2023 is vacated and rescheduled for March 21, 2023 at 9:30 a.m. In addition, time is excluded
16 between February 14, 2023, and March 21, 2023, under Local Code T4. Counsel is advised that the
17 court will be reluctant to continue the status conference set by this order in the absence of a compelling
18 showing of good cause. In addition, counsel are advised that as long as the CARES Act authorization
19 remains in place, the undersigned is happy to conduct video hearings especially with respect to
20 defendants being held at CVA so long as the defendant and his counsel consent.
21

22 IT IS SO ORDERED.

23
24 Dated: February 12, 2023

Dale A. Drozd
UNITED STATES DISTRICT JUDGE